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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,972	04/13/2004	Stephen Charles Dutka	614602.9	3349
66666, 7590 07/09/2008 KUTAK ROCK, LLP 1801 CALIFORNIA STREET SUITE 3100 DENVER, CO 80202-2626				
EXAMINER				
TSE, YOUNG TOI				
ART UNIT		PAPER NUMBER		
2611				
MAIL DATE		DELIVERY MODE		
07/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,972

Applicant(s)

CHARLES DUTKA, STEPHEN

Examiner

YOUNG T. TSE

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6, 7, 9 and 13-15 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8 and 16-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on February 27, 2008. These drawings are acceptable.

Claim Objections

2. Claims 4-5, 8 and 16-21 are objected to because of the following informalities:

In claim 4, line 5, "a logic 1 value" should be "a logic 1 bit value"; line 6, "the other half of the" should be "a second half of the plurality of"; line 11, "a logic 0 value" should be "a logic 0 bit value"; line 15, "the first and second logic are" should be "the first logic and the second logic are"; and line 16, "registers" should be "the first and second N bit shift registers".

Claim 5 depends from claim 4.

In claim 8, line 6, "identify the" should be "identify a".

In claim 16, lines 1-2, "further comprising: a pre-loader coupled" should be "wherein the pre-coder couples".

Claim 16 (lines 2-3), claim 18 (line 2) and claim 23 (line 2), "shift registers" should be "the first and second shift registers".

Claim 16 (line 5), claim 19 (lines 2 and 5) and claim 24 (lines 2 and 5), "shift registers" should be "first and second shift registers".

In line 8 of both claims 17 and 22, "PN code determined by a best correlated PN" should be "PN code sequence determined by a best correlated PN code".

Claim 24 (line 4) and claim 25 (line 2), the word "further" should be deleted.

Claims 20 and 21 depend either directly or indirectly from claim 17.

Claim 26 depends from claim 22.

Appropriate correction is required.

Allowable Subject Matter

3. Claims 1-3, 6-7, 9, and 13-15 are allowed.
4. Claims 4-5, 8 and 16-26 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

Conclusion

5. This application is in condition for allowance except for the following formal matters:

The objection of claims 4-5 and 16-26 set forth described in paragraph 2 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is 571- 272-3051. The examiner can normally be reached on Monday-Friday 10:00-6:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on 571- 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YOUNG T. TSE/
Primary Examiner, Art Unit 2611